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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,629	11/12/2003	Joseph D. Wong	10013526-1	7991

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EXAMINER
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REZA, MOHAMMAD W

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 11/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/706,629

Applicant(s)

WONG, JOSEPH D.

Examiner

Mohammad W. Reza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. Claims 1-24 are presented for examination.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Kiyoto et al hereafter Kiyoto (US patent application 20040181689).
3. As per claim 1, Kiyoto discloses a method comprising: collecting security information from the nodes of the enterprise under audit; analyzing the security information and providing a first result of this analysis (paragraphs, 0011, 0016, 0042, 0049); and comparing this first result with a second result comprising security standards applicable to the enterprise under audit and one or more other enterprises that together form a relevant peer group, the result of this comparing step indicating the relative security of the enterprise under audit relative to that of the peer group of enterprises (abstract, paragraphs 0017, 0018, 0079-0081).

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4. As per claim 2, Kiyoto discloses the method wherein, in the comparing step, the second result comprises information derived from industry standards applicable to the relevant peer group of enterprises (abstract, paragraphs, 0017, 0018, 0079-0081).

5. As per claim 3, Kiyoto discloses the method wherein, in the comparing step, the second result comprises information derived from information previously obtained through application of the collecting and analyzing steps to two or more enterprises in the relevant peer group (paragraphs, 0015-0016).

6. As per claim 4, Kiyoto discloses the method comprising the step of generating at least one report that presents the first and second results arranged in a way that facilitates their comparison (abstract, paragraphs, 0017, 0018, 0079-0081).

7. As per claim 5, Kiyoto discloses the method wherein the generating step includes presenting the first and second results each broken down into several results relating to several different areas of security, with a first and a second result presented for each different area of security and arranged in a way that facilitates their comparison (paragraphs, 0011, 0016, 0042, 0049).

8. As per claim 6, Kiyoto discloses the method wherein, in the generating step, the results relating to several different areas of security comprise results arising from analysis of personnel security information and physical security information, at least some of the information included in the first result having been gathered using interviews during the collecting step (paragraphs, 0011).

9. As per claim 7, Kiyoto discloses the method wherein, in the generating step, the results relating to several different areas of security comprise results arising from

analysis of password security information and file access permission security information (abstract, paragraphs 0017, 0018, 0079-0081).

10. As per claim 8, Kiyoto discloses the method wherein, in the generating step, the results relating to several different areas of security further comprise results arising from analysis of personnel security information and physical security information, at least some of the information included in the first result having been gathered using interviews during the collecting step (paragraphs, 0015-0016).

11. As per claim 9, Kiyoto discloses the method wherein, in the generating step, the several different areas of security comprise one or more results of analysis of node configuration security information and one or more results of analysis of security information gathered using interviews (paragraphs, 0017-0018).

12. As per claim 10, Kiyoto discloses the method wherein, in the generating step, the one or more results of analysis of node configuration security information comprise results arising from analysis of password security information (paragraphs, 0038).

13. As per claim 11, Kiyoto discloses the method wherein, in the generating step, the one or more results of analysis of node configuration security information comprises results arising from analysis of file access permission security information (paragraphs, 0041-0042).

14. As per claim 12, Kiyoto discloses the method, wherein the generating step generates at least two comparative reports in different formats for different requesting parties or uses, and in particular one for technical experts that includes technical

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language and details and another for non-technical-experts that substantially excludes technical language and details (paragraphs, 0011, 0016, 0042, 0049).

15. As per claim 13, Kiyoto discloses the method, to which is added: generating and executing commands to alter the security information of one or more nodes to improve system security in at least some cases when the analysis or comparison or both indicate security is in need of improvement (abstract, paragraphs 0017, 0018, 0079-0081).

16. As per claim 14, Kiyoto discloses the method comprising; generating at least one report that presents the first and second results arranged in a way that facilitates their comparison (abstract, paragraphs 0017, 0018, 0079-0081).

17. As per claim 15, Kiyoto discloses the method wherein the generating commands step generates commands which force the deactivation or correction of one or more passwords when the analysis or comparison or both indicate that these one or more passwords are not sufficiently secure (abstract, paragraphs 0017, 0018, 0079-0081).

18. As per claim 16, Kiyoto discloses the method wherein the generating commands step generates commands which force alteration of one or more configuration file or control file access permissions if the analysis or comparison or both indicate that the access permissions assigned to these one or more files do not provide adequate system security (paragraphs, 0011, 0016, 0042, 0049).

19. As per claim 17, Kiyoto discloses a system comprising: a plurality of nodes within the enterprise under audit; collectors associated with the nodes and arranged to collect from the nodes information concerning the security of the enterprise under audit

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(paragraphs, 0011, 0016, 0042, 0049); a security analyzer arranged to analyze the information concerning the security of the enterprise under audit and to provide a first result of this analysis; a data base containing a second result comprising security standards applicable to the enterprise under audit and one or more other enterprises that together form a relevant peer group; and a comparison mechanism arranged to compare the first and second results to determine the relative security of the enterprise under audit in comparison to that of the enterprises in the relevant peer group (abstract, paragraphs 0017, 0018, 0079-0081).

20. As per claim 18, Kiyoto discloses a system is added: a report generator that generates at least one report which presents the first and second results arranged each broken down into several results relating to several different areas of security, with a first and second result presented for each different area of security and arranged in a way that facilitates their comparison (abstract, paragraphs 0017, 0018, 0079-0081).

21. As per claim 19, Kiyoto discloses a system is added: change agents associated with the nodes and able to execute commands that alter node configuration information; and a command generator that provides commands to the change agents on selected nodes to alter node configuration information to improve system security in response to the analyzer or comparison mechanism or both determining security improvements are needed (paragraphs, 0011).

22. As per claim 20, Kiyoto discloses a system wherein the command generator includes a mechanism that can generate commands which, when executed, cause one or more of the change agents to force the deactivation or correction of one or more

secure passwords if the security analyzer or comparison mechanism or both determine that one or more passwords are not sufficiently secure (paragraphs, 0017-0018).

23. As per claim 21, Kiyoto discloses a system wherein the command generator included a mechanism that can generate commands which, when executed, cause one or more of the change agents to force the alteration of the access permissions of one or more configuration files or control files if the security analyzer or comparison mechanism or both determine that the access permissions assigned to one or more such files do not provide sufficient security (abstract, paragraphs 0017, 0018, 0079-0081).

24. As per claim 22, Kiyoto discloses a system comprising: a plurality of nodes within an enterprise under audit; collector means associated with the nodes for collecting information from the nodes concerning the security of the enterprise under audit (paragraphs, 0011, 0016, 0042, 0049); security analyzer means for analyzing the information concerning the security of the enterprise under audit and for providing a first result of this analysis; data base means for storing and for presenting a second result comprising security standards applicable to the enterprise under audit and one or more other enterprises that together form a relevant peer group; and comparison means for comparing the first and second results to determine the relative security of the enterprise under audit in comparison to that of the enterprises in the relevant peer group (abstract, paragraphs 0017, 0018, 0079-0081).

25. As per claim 23, Kiyoto discloses a system in accordance with claim 22 to which is added report generation means for generating at least one report which presents the



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first and second results each broken down into several results relating to several different areas of security, with a first and second result presented for each different area of security and arranged in a way that facilitates their comparison (abstract, paragraphs 0017, 0018, 0079-0081).

26. As per claim 24, Kiyoto discloses a system is added change agent means associated with the nodes for executing commands that alter node configuration information; and command generator means for providing commands to the change agent means on selected nodes as needed to alter system configuration information to improve system security in response to the security analyzer means or the comparison means or both determining that security improvements are needed (paragraphs, 0011).

### *Conclusion*

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad w. Reza whose telephone number is 571-272-6590. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MOAZZAMI NASSER G can be reached on (571)272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published


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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mohammad Wasim Reza

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11/03/06